

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

AMERICAN CIVIL LIBERTIES UNION and
AMERICAN OVERSIGHT,

Plaintiffs,

v.

U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT

Defendant.

C.A. No. 1:21-cv-10761-AK

PLAINTIFFS' CROSS-MOTION FOR SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56.1, Plaintiffs American Civil Liberties Union of Massachusetts, Inc. and American Oversight respectfully move for summary judgment as to the adequacy of Defendant's search for records responsive to Plaintiffs' Freedom of Information Act ("FOIA") request and its improper withholding of certain materials pursuant to certain FOIA exemptions. There are no genuine issues of material fact with respect to these issues. The accompanying Memorandum sets forth more fully the reasons that support Plaintiffs' motion.

Accordingly, as set forth in more detail in the accompanying memorandum, Plaintiffs respectfully request that the Court allow their cross-motion for summary judgment, including by ordering:

- (a) that ICE conduct a reasonable search of electronic mail, including by using all of plaintiffs' proposed search terms;
- (b) that ICE conduct reasonable searches of other repositories of records, including the text messages of certain officials, and the records of its Homeland Security Investigations ("HSI") unit; and

(c) that ICE release certain pages and portions of pages currently being withheld under claimed exemptions.

Dated: January 11, 2022

Respectfully submitted,

/s/ Krista Oehlke

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Certification Pursuant to Local Rule 7.1(a)(2)

Pursuant to Local Rule 7.1, Plaintiffs' counsel states that they have conferred with Defendant's counsel, who stated that Defendant opposes this motion.

January 11, 2022

/s/ Krista Oehlke

Certificate of Service

I hereby certify that this document will be served on all registered participants through the Court's CM/ECF system.

January 11, 2022

/s/ Krista Oehlke